

REMARKS

In response to the Office Action mailed by the Patent Office on July 07, 2003, Applicant submits this substitute response, wherein the Applicant has complied with the revised amendment practice described in the attached document. Accordingly, this response includes the text of all pending claims including withdrawn claims and all canceled claims are indicated only by the claim number and the status (See Section II, Part A, Paragraph 1 of the attached document).

IDS

The Patent Office stated that the Information Disclosure Statement filed December 2, 2002 fails to comply with 37 C.F.R. § 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. According to M.P.E.P. § 609(III)(A)(3), "an English language abstract of a reference may fulfill the requirement for a concise explanation." Since an English language abstract was submitted for JP 11086130, JP 11086130 should be considered. Further, Applicant submits herewith a supplemental IDS including an English language abstract for FR2193222A.

Claims 1-3, 19-20, and 39

The Patent Office rejected claims 1-3, 19-20, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Goldman et al. (U.S. Patent No. 4,157,829) in view of Miyashita et al. (U.S. Patent No. 4,213,524). Applicant has cancelled claims 1-3 and 39 without prejudice. Applicant has amended claim 18, from which claims 19-20 depend. Therefore, if claim 18 is allowable, claims 19 and 20 are allowable.

Claims 1-3, 19-21, and 39

The Patent Office rejected claims 1-3, 19-21, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Miyashita et al. (U.S. Patent No. 4,213,524) in view of Kolls et al. (Published PCT Application No. WO 00/04476). As stated above, Applicant has cancelled claims 1-3 and 39 without prejudice and amended claim 18, from which claims 19-21 depend. Therefore, if claim 18 is allowable, claims 19-21 are allowable.

Claims 1-3, 17, 19-20, 24, 39, and 42

The Patent Office rejected claims 1-3, 17, 19-20, 24, 39, and 42 under 35 U.S.C. §103(a) as being unpatentable over Miyashita et al. (U.S. Patent No. 4,213,524) in view of Wittern, Jr. et al. (U.S. Patent No. 6,059,142). As stated above, Applicant has cancelled claims 1-3 and 39 without prejudice, and claims 19 and 20 are allowable is claim 18 is allowable. Applicant has also amended claim 42 to be in independent form. However, to ensure that claim 42 clearly falls within elected Group I defined in the restriction requirement dated September 24, 2002, claim 42 does not include the step of accepting payment from the customer.

Claim 17 depends from claim 15, which Applicant has amended to depend from claim 4. Since the Patent Office stated that claim 4 would be allowable if rewritten in independent form, Applicant has amended claim 4 to be in independent form. Therefore, since claim 4 is allowable, claim 17 is also allowable.

Regarding claim 24, the combination of Miyashita and Wittern fails to teach or suggest retrieving the product and the special product from a remote location prior to dispensing the product and the special product. Miyashita discloses a vending machine that randomly dispenses an additional product as a lottery bonus in addition to a selected product. Wittern discloses a master vending machine and one or more satellite vending machines, where special combination prices are offered for select combination purchases. Further, a single controller in the master vending machine controls dispensing at the master vending machine and at the one or more satellite vending machines. As disclosed by Wittern, the satellite vending machines are positioned adjacent to or in close proximity to the master vending machine. Therefore, the satellite vending machines may vend products at one or more locations that are adjacent to or in close proximity to the master vending machine. However, neither the satellite machines nor the master vending machine retrieve the products from a remote location prior to vending. Since the combination of Miyashita and Wittern fails to teach or suggest a vending machine that retrieves a product and a special product from a remote location prior to dispensing the product and the special product, claim 24 is allowable.

Regarding claim 42, the combination of Miyashita and Wittern fails to teach or suggest two separate inventories within a single transaction station. The vending machine disclosed by Miyashita comprises a housing having a single stocker means for storing all articles. Although

Wittern discloses separate vending machines each having an inventory, Wittern does not disclose a single vending machine having two separate inventories. Since, the combination of Miyashita and Wittern fails to teach or suggest two separate inventories within a single transaction station, claim 42 is allowable.

Claims 1-3, 18-20, 23, 39, and 42

The Patent Office rejected claims 1-3, 18-20, 23, 39 and 42 under 35 U.S.C. §103(a) as being unpatentable over Miyashita et al. (U.S. Patent No. 4,213,524) in view of Peters (Published PCT Application No. WO 95/30212). As discussed above, Applicant has cancelled claims 1-3, 23, and 39 without prejudice and amended claims 18 and 42 to be in independent form.

Regarding claim 18, the combination of Miyashita and Peters fail to teach or suggest a remote transaction station including a first inventory of products and second inventory of at least one special product. The vending machine disclosed by Miyashita includes a single stocker means for storing all articles that can be dispensed. Peters discloses a vending machine for vending digital data. Neither of the vending machines disclosed by Miyashita and Peters includes separate inventories for products and special products. Therefore, claim 18 is allowable, and claims 19-22 are also allowable.

Claim 42 is a method claim wherein the remote transaction station contains the products and special products in separate inventories. As discussed above, neither of the vending machines disclosed by Miyashita and Peters include separate inventories for products and special products. Therefore, claim 42 is allowable.

Claims 4-16 and 22

The Patent Office objected to claims 4-16 and 22 as being dependent upon a rejected base claim. Applicant has amended claim 4 to be in independent form. Claims 5-16 either directly or indirectly depend from claim 4. Therefore, claims 4-16 are allowable.

Claim 22 indirectly depends upon claim 18. As discussed above, Applicant has amended claim 18 to be in independent form. Therefore, if claim 18 is allowable, claim 22 is also allowable.

New Claims 45-50

Applicant adds new claims 45-50 directed to a method for randomly dispensing a special product along with a selected product in a single transaction, wherein the special product is commingled with the products in the inventory of a remote transaction station. New claims 45-50 and in particular claims 45 and 46 are similar to original claims 39-41, where claim 39 is cancelled and claims 40 and 41 were withdrawn in response to the restriction requirement dated September 24, 2002. Although the new claims 45-50 are similar to original and withdrawn claims 40-41, claims 45-50 are method claims directed to the subject matter of claims 4-6, 9, and 11-16 and are not directed to the automated vending machine operator payment control of non-elected Group II. Thus, new claims 45-50 fall within elected Group I of the restriction requirement and are therefore properly included in the present application.

In view of the discussion above, claims 4-22, 24, 42, and 45-50 are allowable.

Reconsideration is respectfully request.

Respectfully submitted,

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